

## **REQUEST FOR RECONSIDERATION**

Reconsideration of the present application is respectfully requested.

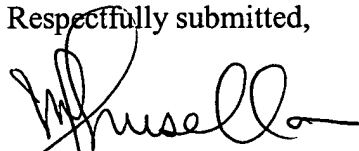
Claims 1-11 are currently pending in the application. It is gratefully acknowledged that the Examiner has allowed Claims 4-11, and has objected to Claims 2-3 as being dependent upon a rejected base claim, but would allow Claims 2-3 if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In addition, Applicants gratefully acknowledge the opportunity the Examiner granted the Applicants' counsel, Ryan C. Carter, Esq., on February 10, 2006, to discuss with her the merits of the present claims.

The Examiner has maintained her rejection of Claim 1 under 35 U.S.C. §103 (a) as being unpatentable over *Khan et al.* (U.S. Patent Application Publication No. 2001/0056560) (hereinafter *Khan*) in view of *Dorenbosch et al.* (US Patent No. 5,801,639) (hereinafter *Dorenbosch*). In the Final Rejection, the Examiner repeated her contention that *Dorenbosch* teaches retransmitting as many times as the retransmission frequency. In response, Applicants strongly disagree, and respectfully traverse.

In particular, and as set forth by Applicants' counsel in the aforementioned conversation on February 10, 2006, *Dorenbosch* concerns frequency reuse, which can be increased over a cluster of cells when noise interference tends to be low. When noise interference is high, then frequency reuse can be decreased. In the passages cited by the Examiner (i.e., col. 4, lns.54-59), *Dorenbosch* teaches that the controller can adjust the frequency reuse plan and transmission power plan to reliably transmit the third message to a selective call transceiver, "in accordance with the signal quality level measured." As such, *Dorenbosch* clearly does not teach the recitation of Claim 1 disclosing retransmitting data blocks by the transmitter as many times as the retransmission frequency. In fact, Applicants respectfully assert that *Dorenbosch* does not teach retransmitting anything as many times as the retransmission frequency. *Khan* does not cure this deficiency in *Dorenbosch*.

Accordingly, all of the claims pending in the Application, namely, Claims 1-11, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Musella", with a stylized flourish extending from the end.

Michael J. Musella  
Reg. No. 39,310  
Attorney for Applicant

DILWORTH & BARRESE  
333 Earle Ovington Blvd.  
Uniondale, New York 11553  
Tel: (516) 228-8484  
Fax: (516) 228-8516

PJF/RCC/dr

To further explain the clear distinction between *Dorenbosch* and the present claims, Applicants respectfully direct the Examiner's attention to page 14, lines 16-19 of the present Specification. Therein, the "packet retransmission frequency" is defined in the following fashion:

"In the HARQ Type I, the "packet retransmission frequency" indicates how many times the transmitter will repeatedly transmit the same packet data as that transmitted during the initial transmission."

Accordingly, the "packet retransmission frequency" means the number of retransmissions, and not retransmission "frequency" in the conventional units of cycles per second, as in *Dorenbosch*. Hence, it is respectfully asserted that *Dorenbosch* does not, and cannot, teach the limitation of Claim 1 reciting retransmitting data blocks by the transmitter as many times as the retransmission frequency.

Independent Claim 1 is believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2-3, these claims are likewise believed to be allowable by virtue of their dependence on independent Claim 1. Accordingly, reconsideration and withdrawal of the objection to dependent Claims 2-3 is respectfully requested.